IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 3907 of 2006
Date of Decision: 23.10.2006

Hargobind Singh ...Petitioner

Vs.

The Commissioner & Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.G.S.Sandhu, Advocate,
for the petitioner.

Mr.H.S.Gill, DAG, Punjab,
for respondents No.1 and 2.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the order dated 28.3.2006 passed by the learned Commissioner, Faridkot Division, Faridkot dismissing the appeal filed by the petitioner being time barred.

Reading of the order shows that no reason, whatsoever, has been given to form an opinion that there was no sufficient cause for condonation of delay. The order is absolutely non-speaking order. The petitioner had filed an application under Section 5 of the Limitation Act, wherein a plea was taken that the petitioner was minor and therefore, was not served in any proceedings and the present appeal was filed immediately on coming to know about the passing of the impugned order. It was also

claimed that the appeal was within time from the date of knowledge. However, no reason, whatsoever, has been recorded by the learned Commissioner as to how the explanation given was not acceptable. The quasi-judicial authorities are bound to pass a speaking order meeting with the points raised by the parties. In view of this, the impugned order cannot be sustained.

Accordingly, the revision petition is accepted. The impugned order is set aside. The case is remanded back to the learned Commissioner to re-decide the matter after taking into consideration the points raised by the parties.

The parties through their counsel are directed to appear before the learned commissioner on 14.12.2006.

(Vinod K.Sharma)
Judge

23.10.2006
rp